

Decision **PROPOSED DECISION OF ALJ YIP-KIKUGAWA** (Mailed 6/24/2013)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter™ Program and Increased Revenue Requirements to Recover the Costs of the Modifications (U39M).

Application 11-03-014  
(Filed March 24, 2011)

And Related Matters.

Application 11-03-015  
Application 11-07-020

**DECISION GRANTING COMPENSATION TO CALIFORNIANS FOR RENEWABLE ENERGY FOR SUBSTANTIAL CONTRIBUTIONS TO DECISION 12-04-019**

<b>Claimant: Californians for Renewable Energy (CARE)</b>	<b>For contribution to Decision 12-04-019</b>
<b>Claimed (\$): \$39,532.50</b>	<b>Awarded (\$): \$8,400.00</b>
<b>Assigned Commissioner: Michael R. Peevey</b>	<b>Assigned ALJ: Amy C. Yip-Kikugawa</b>

**PART I: PROCEDURAL ISSUES**

**A. Brief Description of Decision:** This decision grants in part the intervenor compensation request of the Californians for Renewable Energy (CARE) for its contributions to Decision (D.) 07-04-043, which adopted San Diego Gas & Electric Company's (SDG&E) Advanced Metering Infrastructure Project. This decision grants an option for residential customers of SDG&E to opt-out of having a wireless smart meter installed at their location. The opt-out option shall be an analog electric and/or gas meter.

**B. Claimant must satisfy intervenor compensation requirements set forth in  
Pub. Util. Code §§ 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	May 6, 2011	Yes
2. Other Specified Date for NOI:		
3. Date NOI Filed:	June 6, 2011	Yes
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number:	Application (A). 09-09-021	Customer- related status was not established by ALJ ruling in the instant proceeding, but by D.11-03-020.
6. Date of ALJ ruling:		
7. Based on another CPUC determination:	D.11-03-020	Yes
8. Has the Claimant demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.09-09-021	Significant financial hardship was not established by ALJ ruling in the instant proceeding, but by D.11-03-020.
10. Date of ALJ ruling:		
11. Based on another CPUC determination:	D.11-03-020	Yes
12. Has the Claimant demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.12-04-019	Yes
14. Date of Issuance of Final Decision:	April 24, 2012	Yes
15. File date of compensation request:	June 19, 2012	Claimant filed on June 11, 2012.
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I:**

#	Claimant	CPUC	Comment
	XX		<p>The filings and participation by CARE were through the Center for Electrosmog Prevention (CEP) CEP was not organized as a separate entity at the beginning of this proceeding and so made the filings for CARE. Michael Boyd, president of CARE, and Susan Brinchman worked together to participate in the A.11-03-015 proceeding until the second prehearing conference held on July 27, 2011. CARE filed the NOI to claim compensation while working with CEP because CEP was not an organization at that time.</p> <p>Martin Homec worked with CARE to help Ms. Brinchman organize her group of people who did not want smart meters in their homes. She decided to name her group after their interests and began filing statements representing them. CARE and Michael Boyd decided to let Susan Brinchman work with Martin Homec. CARE then stopped participating in the proceeding allowing Susan Brinchman and Martin Homec to make the presentations. The same people worked on the case, but the group being represented changed. CARE intended to fully participate at the beginning but felt that CARE's continued participation would duplicate CEP's work.<sup>1</sup></p>

**PART II: SUBSTANTIAL CONTRIBUTION****A. Claimant's description of its contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059):**

Contribution	Specific References to Claimant's Presentations and to Decision (Provided by Claimant)	Showing Accepted by CPUC
1. CEP explained the need for analog meters instead of the smart meter or radio off options for smart meters. The result was that although SDG&E recommended the radio-off option in its compliance filing with D.11-11-007, the final decision followed CEP's recommendation and ordered an analog meter as the only option.	D.12-04-019 at 10, OP 1	Claimant's participation and contribution is duplicative of the original UCAN's Application to modify D.07-04-043. There is also substantial overlap in claimant's work with another intervenor - The Southern Californians for Wired

<sup>1</sup> The Commission has removed references in this section to other parties to the proceeding as well as Mr. Homec's representation of groups not claiming compensation in the proceeding as being irrelevant and outside the scope of the present claim.

		Solutions to Smart Meters (SCWSSM).
2. CEP opposes charging ratepayers for meter removal and meter reading. CEP's opposition has been recognized in the final decision by establishment of a Phase 2 to the proceeding discussing the charges.	D.12-04-019 at 11, OP 2	Duplicative with SCWSSM, and also duplicative with DRA and UCAN assertions on need for further hearings on cost.

**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?</b>	<b>Yes</b>	<b>Yes</b>
<b>b. Were there other parties to the proceeding with positions similar to the Claimant's?</b>	<b>Yes</b>	<b>Yes</b>
<b>c. Names of other parties (if applicable):</b> - Southern Californians for Wired Solutions to Smart Meters - DRA		Yes, but the original applicant – UCAN should also be added as a party with similar positions on the proceeding.
<b>d. Claimant's description of how Claimant coordinated with DRA and other parties to avoid duplication or of how Claimant's participation supplemented, complemented, or contributed to that of another party:</b>  CEP discussed its approach with the other parties and except for DRA and SCWSSM, and found that the others did not want to discuss the same issues.  SCWSSM represents the interests of disabled persons who wanted the protections of the federal Americans with Disabilities Act (ADA) and State laws because SCWSSM members were disabled people who felt nauseous and ill when living in residences with many appliances. They wanted electricity for their homes but felt ill when they spent too much time in the presence of wireless devices. Adding smart meter emissions to their environment noticeably worsened their health.  CEP believes that there are too many manmade wireless emissions and ratepayers should be able to minimize their exposure and still have electric utility service for their homes and businesses. Most of the members of CEP and SCWSSM are disabled people who are sensitive to wireless electromagnetic emissions and minimize their exposure while still needing		Claimant fails to show how there is no duplication of effort with the other parties. Claimant and SCWSSM had duplicative advocates as well as duplicative arguments in the proceeding. Both advanced arguments based on health concerns which have been ruled to be outside the scope of the current proceeding.  Furthermore, the positions put forth by Claimant, SCWSSM, DRA and UCAN are similar and duplicative in that they all believed that an analog opt-out option is feasible at this time despite having different reasoning.  UCAN and DRA believe that

<p>electric utility service.</p> <p>Peoples Initiative Foundation (PIF) whose leader, Elizabeth Barris, worked on the Southern California Edison Company (SCE) opt-out proceeding representing residents of Topanga Canyon who want to opt-out of receiving smart meters. This group also worked with Martin Homec to determine required comments and pleadings. Martin Homec prepared documents, and filed and served them for PIF.</p> <p>The residents of Ojai worked to convince the City of Ojai to allow opt-out for smart meter opponents. This group also worked with Martin Homec to determine required comments and pleadings. Martin Homec prepared documents, and filed and served them.</p> <p>These last two groups worked on the A.11-07-020 proceeding which was scheduled for the same timeline as the A.11-03-015 proceeding so the same pleadings, comments, etc. were prepared, filed and served to allow SCE ratepayers to participate in the proceeding.</p>	<p>the cost of the opt-out option cannot be determined based only on information provided by SDG&amp;E, and requested that further hearings be conducted. Their position was adopted by the Commission in its decision to hold a second phase to determine the cost of opt-out option for SDG&amp;E ratepayers. Claimant cannot claim substantial contribution simply for agreeing with the position of the original applicants.</p> <p>As PIF and the Residents of Ojai are not part of this proceeding, claimant's coordination with them has no bearing on this claim. If anything, the fact that the same pleadings and comments were used in another proceeding would reduce claimant's hours claimed for duplicative work.</p> <p>As such, we have made applicable reductions to the hours claimed by the Claimant for duplicative work as well as work that is outside the scope of the proceeding.</p>
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### **PART III: REASONABLENESS OF REQUESTED COMPENSATION**

#### **A. General Claim of Reasonableness (§§ 1801 & 1806):**

<b>a. Explanation by Claimant of how the cost of Claimant's participation bore a reasonable relationship with benefits realized through participation</b>	<b>CPUC Verified</b>
CEP opposed requiring wireless smart meters in residences and businesses desiring to opt-out. Many ratepayers in SDG&E service territory filed	D.98-04-059 directs customers to demonstrate the productivity of their participation by assigning a reasonable dollar value to the

<p>complaints with the CPUC about the smart meters already installed and those proposed to be installed. CEP's participation in the proceeding resulted in an analog meter opt-out option as well as a second phase to the proceeding to determine the costs to ratepayers who choose to opt-out.</p>	<p>benefits of their participation to ratepayers.<sup>2</sup> The costs of a customer's participation should bear a reasonable relationship to the benefits realized through its participation. Even without Claimant's participation, UCAN and DRA put forth similar arguments for analog meters in their briefs and arguments before the Commission. Claimant has failed to show how the cost it claims bears a reasonable relationship with the benefits realized through its participation. We have therefore made certain adjustments, disallowances, and reductions in areas described in detail in Part III, Section C-D of this claim. After these reductions, disallowances and adjustments, the remaining hours and costs are reasonable, and Claimant's participation should be compensated.</p>
<p><b>b. Reasonableness of Hours Claimed.</b> Susan Brinchman organized the opt out movement in the San Diego area and is familiar with the individuals who want to opt out. She also has experience in talking to those individuals to determine their interest in the opt-out and representing it to the CPUC. Martin Homec is an attorney who has worked at the California Public Utilities Commission (CPUC) for over 25 years and at the California Energy Commission for 6 years. He is responsible for the contributions considering the costs of meter reading, including the self-reading option, and the procedural and representation in San Francisco for ratepayers residing in Southern California who would have no representation in this proceeding.</p>	<p>In light of the duplicative nature of Claimant's contribution, as well as certain activities that are not related to the proceeding, we have disallowed certain hours spent by Mr. Homec and Ms. Brinchman as being un-related to the proceeding or excessive in light of the work performed. We have detailed these adjustments, disallowances, and reductions in areas described in detail in Part III, Section C-D of this claim. In addition, Mr. Homec recorded duplicative hours for his representation of another intervenor in this proceeding, we have also made reductions, disallowances and adjustments where appropriate. After these reductions, disallowances and adjustments, the remaining hours and costs are reasonable, and Claimant's participation should be compensated.</p>
<p><b>c. Allocation of Hours by Issue</b> The initial hours considered all issues as CEP learned the CPUC procedures and interests. CEP's Susan Brinchman knows the impacts claimed by many who want to opt out of smart meters. She spent her efforts talking to individual SDG&amp;E ratepayers to determine how to represent their</p>	<p>Claimant has allocated its claimed hours into issues A, B, C, and D. We are reducing the hours claimed under Issue A - need for analog meters as being duplicative with other parties as well as disallowing certain hours that are outside the scope of this proceeding. We are disallowing all claims under issue B and C on</p>

<sup>2</sup> See D.98-04-059 at 34-35.

<p>interests to the CPUC decision makers. This resulted in several Ex Parte e-mails to the ALJ assigned to the proceeding as well as review of the pleadings filed in the case.</p> <p>Martin Homec drafted data requests and researched the costs of the smart meter opt out and meter reading expenses. Mr. Homec spent many hours reviewing the issues in the SDG&amp;E and SCE service territories. He also allocated many hours for attending the workshop and drafting and filing documents.</p> <p>Many issues involve discussing why individual ratepayers want to opt out of smart meters. Individuals explained their reasoning to Mr. Homec and Mr. Homec had to research the legal and technical bases for the claims. Some individuals wanted to explain their reasoning to the CPUC decision makers and Mr. Homec had to format these communications for filing as Ex Parte contacts with the CPUC.</p>	<p>health issues related to smart meters and ADA claims for being outside the scope of the proceeding and not making contribution to the decision adopted by the Commission. We are also reducing certain hours claimed under Issue D for being excessive. Claimant states many hours were spent discussing why ratepayers wanted to opt out. We are reducing or disallowing these proportionally as the reasons for which ratepayers want to opt out of the smart meters are irrelevant, since ratepayers may opt out for any reason, or no reason at all.</p>
<p><b>Our reasonableness assessment of the Claimant's work focuses on these aspects: First, are the hourly rates for the Joint Parties' advocates reasonable comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. Secondly, did the Joint Parties advocate for any issues which were outside the scope of the proceeding, or which failed to make a substantial contribution to the final decision as required by statute.<sup>3</sup> Lastly, given the scope of the work and the documents that the Claimant filed, should the hours be compensated as requested.</b></p>	

<sup>3</sup> §1802(1) defines substantial contribution as the customer's presentation that substantially assisted the Commission in making its decision because it has adopted factual and legal contentions, or policy recommendations presented by the intervenor. §1802.5 allows compensation for an intervenor's participation which materially supplements, complements, or contributes to the presentation of another party, provided that the intervenor's own participation makes a substantial contribution to a Commission order or decision. Merely assisting another party to participate effectively does not constitute a substantial contribution by the intervenor, nor does such help seem reasonably necessary to the intervenor's own substantial contribution.

**B. Specific Claim:\***

CLAIMED						CPUC AWARD			
ATTORNEY, EXPERT AND ADVOCATE FEES									
Item	Year	Hours	Rate	Basis for Rate	Total	Year	Hours	Rate	Total
Martin Homec	2011	49	\$ 235	D.12-02-034 plus 5% and ALJ-267 at 5	\$11,515	2011	18.3	\$185	\$3,385.50
Martin Homec	2012	43.4	\$ 280	D.12-02-034 plus increase of 5% and ALJ-267 at 5	\$12,152	2012	7.8	\$190	\$1,482.00
Susan Brinchman	2011	60.5	\$125	Not determined, new representative, ALJ 267, see Attachment 2	\$7,562.50	2011	36.5	\$55	\$2,007.50
Susan Brinchman	2012	42.1	\$125		\$5,262.50	2012	6.7	\$60	\$402.00
Michael Boyd	2011	9.5	\$135	D.09-05-012	\$1,282.50	2311	3.5	\$135	\$472.50
	Subtotal:				\$37,774.50	Subtotal:			\$7,749.50
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate	Basis for Rate	Total	Year	Hours	Rate	Total
Martin Homec	2011	1.4	\$117.5	D.12-02-034 plus increase of 5% and D.10-04-010 at 5	\$164.50	2011	1.4	\$92.5	\$129.50
Martin Homec	2012	8	\$140	D.12-02-034 plus increase of 5% and D.10-04-010 at 5	\$1,120.00	2012	4	\$95	\$380.00
Susan Brinchman	2012	7	\$62.5	Not determined, new representative	\$437.50	2012	3.5	\$30	\$105.00
	Subtotal:				\$1,722.00				\$614.50
COSTS									
#	Item	Detail			Amount	Amount			
		Photocopying, postage, stationary			\$36.00			\$36.00	
Subtotal:					\$36.00	Subtotal:			\$36.00
TOTAL REQUEST \$:					39,532.50	TOTAL AWARDED:			\$8,400.00



\* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

\*\* Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate (the same applies to the travel time).

**C. Additional Comments on Part III:**

<b>PUC</b>	<b>Comment</b>
Total hours claimed by Mr. Homec in 2011	There is a miscalculation by Claimant for Mr. Homec's total hours as claimed. The claim submitted states that Mr. Homec is claiming 49 hours in 2011, when in fact the time recording as submitted shows a total claimed hours of 50.4 hours.
2011-2012 hourly rates for Martin Homec	The Claimant requests an hourly rate of \$235 an hour for Mr. Homec's work during 2011 and an hourly rate of \$285 an hour for his work during 2012. Claimant bases these hourly rates on a 5% step increase as well as moving Mr. Homec from his current experience range to the next one. Mr. Homec was granted an hourly rate of \$185 an hour in D.12-02-034 for work done in 2011 and we adopt that same rate of \$185 an hour for Mr. Homec's work done in 2011 in this case. We have seen no demonstrable change in the quality of Mr. Homec's work before the Commission that would warrant the change in range. For Mr. Homec's work done in 2012, we adopt it with a Cost-of-Living Adjustment (COLA) increase of 2.2% (rounded to the nearest \$5 increment), as allowed in Resolution ALJ-281 to \$190 an hour. <sup>4</sup>
2011 to 2012 hourly rates for Susan Brinchman	<p>The claimant requests a minimum hourly rate of \$125 an hour for Ms. Brinchman's work on the current proceeding during 2011 and 2012. Ms. Brinchman has a Master of Science Degree in Educational Technology; a B.S. in Special Education and active memberships in the Learning Disabilities Associations of California and Learning Disabilities Association of America. While she has worked in the special education field for the last 25 years, none of that experience is applicable to the issues before the commission and the proceedings at hand. Ms. Brinchman has been the director of Center for School Mold Help for the last eight years but mold is outside the scope of the discussion on Smart Meters. Ms. Brinchman also claims to be an expert regarding health and safety issues; however, as stated in the decision, health and safety issues are outside the scope of the proceeding and not considered by the commission in reaching its final decision on Smart Meter opt out options.</p> <p>Ms. Brinchman has no previous work before the Commission for which she has received compensation. D.08-04-010 at 7 (<u>Rates for New Representatives</u>) states:</p>

<sup>4</sup> See Note 3

	<p>Intervenor representatives who previously have not appeared before the Commission must make a showing in the compensation request to justify their proposed hourly rate. The requested rate must be within the established range of rates for any given level of experience, and, consistent with the guidelines in D.05-11-031, must take into consideration the rates previously awarded other representatives with comparable training and experience, and performing similar services. (See § 1806<sup>5</sup>).</p> <p>The Claimant has made no effort to compare the training and experience of Ms. Brinchman to any known individuals who have practiced before the Commission and whom have received similar hourly compensation for work similar to the work Ms. Brinchman performed. We have reviewed Ms. Brinchman's timesheet to examine the work she performed on behalf of the claimant. Instead of rejecting outright the claimant's hourly rate request for Ms. Brinchman because of its failure to justify this rate, we exercise our own independent review of her timesheets in consideration of the requested rate. Between 2011 to 2012, Ms. Brinchman performed the following: review and discuss CPUC procedures, review draft motion to intervene, discuss issues and strategy, email communications with Mr. Homec, review proposed decisions and filings, and write and send ex-parte email to the assigned ALJ. Ms. Brinchman's work is not of a substantive nature nor does it develop matters regarding expertise performed by experts. We find that Ms. Brinchman's work more closely resembles that of an advocate and approve an hourly rate of \$55 for her 2011 work in this proceeding. For Ms. Brinchman's work done in 2012, we adopt it with a Cost-of-Living Adjustment(COLA) increase of 2.2% (rounded to the nearest \$5 increment), as allowed in Resolution ALJ-281 to \$60 an hour.</p>
2011 hourly rate for Michael Boyd	<p>Claimant requests an hourly rate of \$135 for Mr. Boyd's work done in 2011. We adopted the same rate in D.09-05-012 and find it reasonable to adopt it here. Mr. Boyd's hourly rate for work done in 2011 will be \$135 an hour.</p>
	<p><b>Our reasonableness assessment of the Claimant's work focuses on these aspects: First, are the hourly rates for the Joint Parties' advocates reasonable comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. Secondly, did the Joint Parties advocate for any issues which were outside the scope of the proceeding, or which failed to make a substantial contribution to the final decision as required by statute.<sup>6</sup> Lastly, given the scope of the work and the documents that the Claimant filed, should the hours be compensated as requested.</b></p>

<sup>5</sup> §1806 states that any award for compensation shall take into consideration the market rates paid to persons of comparable training and experience who offer similar services.

<sup>6</sup> §1802(1) defines substantial contribution as the customer's presentation that substantially assisted the Commission in making its decision because it has adopted factual and legal contentions, or policy recommendations presented by the intervenor. §1802.5 allows compensation for an intervenor's participation which materially supplements, complements, or contributes to the presentation of another party, provided that the intervenor's own participation makes a substantial contribution to a Commission order or decision. Merely assisting another party to

**D. CPUC Disallowances & Adjustments:**

Item	Reason
Hours spent by Mr. Homec on Pre-hearing conference on May 6, 2011.	Mr. Homec is claiming 4 hours of work for attending the prehearing conference on May 6, 2011, and claiming another 2 hours worked for representing SCWSSM- another intervenor for attending the same. This is duplicative. We disallow 4 of those 6 hours and will grant a total claim of two hours for Mr. Homec's participation at the prehearing conference, one hour for the Claimant, and another hour for SCWSSM.
Hours spent by Mr. Boyd on pre-hearing conference on May 6, 2011.	We are disallowing the 2.5 hours claimed by Mr. Boyd in attending the pre-hearing conference. Claimant has failed to establish the necessity to have three representatives attend a pre-hearing conference and failed to show how each representative was necessary in making a significant contribution to the proceeding. We find the hours claimed to be excessive and an inefficient use of resources.
Hours spent by Ms. Brinchman on pre-hearing conference on May 6, 2011	We are disallowing the 2 hours claimed by Ms. Brinchman attending the pre-hearing conference. Claimant has failed to establish the necessity to have three representatives attend a pre-hearing conference and failed to show how each representative was necessary in making a significant contribution to the proceeding. We find the hours claimed to be excessive and an inefficient use of resources.
Hours spent by Mr. Homec on pre-hearing conference on July 27, 2011	Mr. Homec is claiming 3 hours of work for attending the prehearing conference on July 27, 2011, and claiming another 3 hours worked for representing SCWSSM- another intervenor for attending the same. This is duplicative. We disallow 3 of those 6 hours and will grant a total claim of 3 hours for Mr. Homec's participation at the prehearing conference, 1.5 hour for the Claimant, and another 1.5 hour for SCWSSM.
Hours Spent on Issue A- Opt out option needs to be analog	We are disallowing in its entirety the hours being claimed by Mr. Homec in 2012 for his work on CEP comments to SDG&E compliance filing for not making any contribution to the final decision - SDG&E provided analog options as required by the commission and the CEP comments drafted were outside the scope of the proceeding. We are disallowing in its entirety the 0.8 hours claimed for Response to ALJ on party status as being administrative and for verification purpose only, thereby making no substantial contribution to the decision. We disallow all hours claimed by Ms. Brinchman on or after April 24, 2012, after the final decision was issued as not contributing to the decision. We reduce all of the remaining hours claimed by Mr. Homec, Ms. Brinchman and Mr. Boyd for their work on Issue A by 50% for being duplicative with other parties in the proceeding. For Hours spent on Issue A - Mr. Homec's hours in 2011 is reduced by 8.3 hours and by 14.4 hours in 2012. Ms. Brinchman's hours are reduced by

participate effectively does not constitute a substantial contribution by the intervenor, nor does such help seem reasonably necessary to the intervenor's own substantial contribution.

	5.5 hours in 2011 and 14.5 hours in 2012. Mr. Boyd's hours are reduced by 3.5 hours in 2011.
Hours spent on Issue B - Health issues on Smart meters	We disallow most of the hours spent under this issue for being outside the scope of the proceeding. As we have stated in the decision, the Commission recognizes ratepayers' right to opt out of the Smart Meter program for any reason or no reason at all. Mr. Homec's hours spent on Issue B in 2011 are reduced by 13.6 hours and his hours in 2012 are reduced by 10.4 hours. We move the 0.6 hours he spent on November 29, 2011 reviewing SDG&E compliance filing as to issue D for being generally applicable to the proceeding. We move the 2.6 hours he spent on April 2, 2012 to edit, file, and serve comments for proposed decision issued on March 15, 2012 to category D as being generally applicable to the proceeding. Ms. Brinchman's hours spent on Issue B in 2011 are reduced by 6.5 hours and her hours in 2012 are reduced by 0.5 hours. We move 1.5 hours in 2011 spent reviewing draft motion to intervene, discuss strategy with Mr. Homec, and review of the proposed decision to issue D; and 0.6 hours in 2012 reviewing SDG&E comments to issue D as being generally applicable to the proceeding.
Hours spent on Issue C - ADA and CPUC 453 issues	We are disallowing all hours claimed by Mr. Homec and Ms. Brinchman in 2012 in relation to Issue C - ADA and Public Utilities Code Section 453 issues as being outside the scope of the proceeding. Accordingly, Mr. Homec's hours spent in 2012 are reduced by 5.8 hours and Ms. Brinchman's hours are reduced by 9 hours.
Hours spent on Issue D - General including all issues.	<p>Mr. Homec and Ms. Brinchman - We disallow the 2 hours each claimed by Mr. Homec and Ms. Brinchman on May 12, 2011 to discuss and learn CPUC procedures. It is contrary to the intent of the Intervenor Compensation Program to compensate intervenors for learning procedure rather than performing substantive work that would contribute to a proceeding/decision.</p> <p>Mr. Homec - We reduce the 6.6 hours claimed in 2011 for reading the applications and discussion with Ms. Brinchman to 3.3 hours for being duplicative of the same claimed activity under SCWSSM. We reduce the 1.2 hours claimed for correcting the service list on May 9, 2011 to .6 hours for the same reason. We disallow the 1.6 hours claimed by Mr. Homec for reading documents and summarizing on June 5, 2011 for insufficient detail and inability to determine relevance. We are disallowing 1 hour claimed by Mr. Homec for discussion on SDG&amp;E compliance filing on December 15, 2011 for being outside the scope of the proceeding. We are disallowing 1.8 hours claimed by Mr. Homec on December 16, 2011 and January 16, 2012 for responding to ALJ request on party status as being administrative and not making a substantial contribution to the final decision. We disallow in its entirety the 4 hours claimed by Mr. Homec on 05/22/12 on preparing a re-hearing notice as it occurred after the Decision was issued and is thereby not related to this intervenor claim.</p> <p>Ms. Brinchman - We are reducing the 3 hours claimed by Ms. Brinchman for emailing Mr. Homec on June 22, 2011 to 2 hours as we find the hours to be excessive. We are reducing the 3 hours claimed on September 21, 2011 for</p>

	<p>reviewing assigned commissioner's ruling to 2 hours as we find the hours to be excessive in light of work performed. We are reducing the 2 hours claimed by Ms. Brinchm, and for her phone conversation with Mr. Homec on November 7, 2011 to 0.5 hours as being excessive. We reduce the 3 hours claimed for November 30, 2011 ex-parte email to 1 hour for being excessive. We disallow the 1 hour claimed for discussion with Mr. Homec in relation to CEP document request as we find the document request to be outside the scope of the current proceeding. We reduce the 2 hours claimed for ex-parte email on February 10, 2012 to 1 as we find the hours claimed to be excessive in light of work performed. Lastly, we disallow all hours claimed after the issuance of D.12-04-019 on April 24, 2012 as being outside the scope of the proceeding and not making any substantial contribution to the Decision.</p> <p>For hours allocated to Issue D - Mr. Homec's hours are reduced by 16.2 hours in 2011 and 5 hours in 2012. We add the 2.6 hours transferred from Issue B for CEP's comments on the proposed Decision on April 2, 2012. Ms. Brinchman's hours in 2011 are reduced by 9.5 hours but 1.5 hours from her work claimed under issue B should be added here so there is a total reduction of 8 hours from her original claim. Ms. Brinchman's hours are reduced by 12 hours in 2012 but .6 hours is added from her work originally claimed under Issue B so total reduction for 2012 is 11.4 hours.</p>
Hours spent preparing for intervenor compensation	<p>Mr. Homec and Ms. Brinchman spent a total of 15 hours in 2012 preparing the final intervenor compensation claim. Based on the complexity of the arguments being presented as well as the contribution that was made, we find the number of hours excessive. Furthermore, the arguments and language in this claim are very much duplicative of the claim submitted on behalf of SCWSSM. We therefore reduce the hours claimed for the preparation of the claim in 2012 by 50%. Mr. Homec's hours in 2012 is reduced by 4 hours and Ms. Brinchman's by 3.5 hours.</p>

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the claim?</b>	No
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<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6)) (Y/N)?</b>	No
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This is an intervenor compensation matter. As provided in Rule 14.6(c)(6) of our Rules of Practice and Procedure, we normally waive the otherwise applicable 30-day comment period for this proposed decision. Because the Commission is sizably reducing the amount requested in this award, the proposed decision was mailed for comments.

<b>Party</b>	<b>Comment</b>	<b>CPUC Disposition</b>
	No comments received.	

**FINDINGS OF FACT**

1. Californians for Renewable Energy has made a substantial contribution to Decision 12-04-019.
2. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total amount of reasonable compensation is \$8,400.00.

**CONCLUSION OF LAW**

1. The claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. Californians for Renewable Energy is awarded \$8,400.00.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company shall pay Californians for Renewable Energy the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in

Federal Reserve Statistical Release H.15, beginning August 25, 2012, the 75<sup>th</sup> day after the filing of CALifornians for Renewable Energy's request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b> No
<b>Contribution Decision(s):</b>	D1204019	
<b>Proceeding(s):</b>	A1103014, et al.	
<b>Author:</b>	ALJ Amy C. Yip-Kikugawa	
<b>Payer(s):</b>	San Diego Gas & Electric Company	

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier</b>	<b>Reason Change/Disallowance</b>
CALifornians for Renewable Energy (CARE)	June 11, 2012	\$39,532.50	\$8,400.00		Excessive hours claimed, duplication of efforts, requested rate not justified by advocate experience, and work done outside the scope of the proceeding.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Martin	Homec	Attorney	CARE	\$235	2011	\$185
Martin	Homec	Attorney	CARE	\$280	2012	\$190
Susan	Brinchman	Advocate	CARE	\$125	2011	\$55
Susan	Brinchman	Advocate	CARE	\$125	2012	\$60
Michael	Boyd	Advocate	CARE	\$135	2011	\$135

**(END OF APPENDIX)**